IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 4529 OF 1996

Shamrao Dnyanoba Holkar .... Petitioner

V/s

The State of Maharashtra & Ors..... ... .. Respondents.

Mr.A.M.Joshi & S.D.Rayrikar, Adv. For the petitioner.

Mr.A.P.Vanarse, AGP for respondent Nos. 1 and 2.

CORAM: A.P.DESHPANDE, J.

22.2.2007.

PC:

The petitioner was initially appointed in the scale as admissible to a trained graduate teacher in the year 1990. However by issuing fresh appointment order he came to be appointed in the undergraduate scale as admissible to undergraduate school teachers. Aggrieved thereby the petitioner preferred an appeal before the School Tribunal contending that reduction in the scale tantamounts to termination. The Tribunal has dismissed the appeal by holding that the appeal is misconceived as the petitioner was not terminated from service and the Tribunal's jurisdiction in view of section 9 of the

Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 is limited only in the cases of dismissal, removal, termination, reduction in rank and supersession of claim.

2. Record reveals that the petitioner was terminated from service at the end of academic session and thereafter petitioner was not in service from June 1993 till November, 1993. The petitioner was appointed afresh in the then vacant post of undergraduate teacher and it appears that he continues as such. As the grievance of the petitioner falls outside the jurisdiction of the Tribunal which is limited by section 9 of the Act the appeal has been held to be not maintainable.

3. Perused the judgment and order passed by the Tribunal. The same does not call for any interference. In the result writ petition is dismissed. Rule discharged.

22.2.07